



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98,365-B1)

In the application of:

Kathleen E. Rodgers, et al.

Serial No: 09/772,819

Filed: January 30, 2001

For: Methods for Accelerating Bone,  
Cartilage and Connective  
Tissue Growth

Art Unit: 1654

Examiner: Audet

Confirmation: 3008

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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**APPLICANT'S COMMENT ON PATENT TERM ADJUSTMENT CALCULATION  
AND FILING OF TERMINAL DISCLAIMER**

Dear Sir:

Applicants wish to make the following of record in the above identified patent application:

- 1) Applicants are in agreement with the calculation of the Office, noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed October 6, 2004, that the Patent Term Adjustment to date is 482 days.
- 2) Applicants note that a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent has been filed in this application, which may alter the applicability of the Patent Term Adjustment.

Respectfully submitted,  
McDonnell Boehnen Hulbert & Berghoff LLP

Date: 7-15-05

By: 

David S. Harper

Registration No. 42,636



07-18-05

petition office 9200  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 98,365-B1)

08/16/05  
~~08/16/05~~

In re Application of:

Kathleen E. Rodgers, et al.

772

Serial No.: 09/722,819

Filed: January 30, 2001

For: Methods for Accelerating Bone, Cartilage  
and Connective Tissue Growth

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Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- ☒ Applicant's Comment of Patent Term Adjustment Calculation and Filing of Terminal Disclaimer (1 sheet);
- ☒ Return Receipt Postcard.

2. With respect to additional fees:

- ☒ No fee is required.
- ☒ Please charge any additional fees or credit overpayment to Deposit Account No.13-2490.

3. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee," mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15<sup>th</sup> day of July, 2005 under Express Mail Certificate No. EV722672722US.

Respectfully submitted,

By:

  
David S. Harper

Registration No. 42,636

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